

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

MELISSA RYERS,

Plaintiff and Appellant,

v.

CITY OF LOS ANGELES,

Defendant and Respondent.

B283517

(Los Angeles County
Super. Ct. No. BC 527262)

APPEAL from an order of the Superior Court of
Los Angeles County, Margaret L. Oldendorf, Judge. Affirmed.

Tofer & Associates and Michael P. Green for Plaintiff and
Appellant.

Michael N. Feuer, City Attorney, Blithe S. Bock, Assistant
City Attorney, and Matthew A. Scherb, Deputy City Attorney, for
Defendant and Respondent.

MEMORANDUM OPINION¹

In September 2012, plaintiff and appellant Melissa Ryers fell from a set of bleachers and injured her ankle while watching a softball game at a Los Angeles City park. She filed suit against defendant and respondent the City of Los Angeles (City) alleging that her injury was caused by a dangerous condition of City property. (See Gov. Code, § 835.)

At trial, Ryers produced evidence suggesting that the bleachers were defective in two ways. First, they were not anchored to the concrete beneath them, and as a result they bounced off the ground when walked on. Second, the railing behind the fifth and final row of bleachers was bent backwards and wobbled when touched. A City employee, whom City designated as the person most knowledgeable and qualified to testify about the condition and maintenance of the bleachers, agreed that the bleachers were unsafe as a result of these defects.

The jury returned a special verdict finding that there was a dangerous condition on City property at the time of the incident, that the dangerous condition created a reasonably foreseeable risk of injury, and that City had notice of the dangerous condition for a long enough time to have protected against it. Nevertheless, the jury found that the dangerous condition was not a substantial factor in causing harm to Ryers.

The trial court accordingly entered judgment in favor of City. Ryers filed a motion for judgment notwithstanding the verdict (Code Civ. Proc., § 629) and for a new trial. (Code Civ. Proc., §§ 656, 657.) The trial court denied the motion.

¹ We resolve this case by memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1, because this appeal raises only “factual issues that are determined by the substantial evidence rule.” (Cal. Stds. Jud. Admin., § 8.1(3).)

Ryers contends that the trial court erred by denying her motion because there was no substantial evidence to support the jury's verdict with respect to causation. She argues that no reasonable jury could find that the bleachers from which she fell constituted a dangerous condition, but that the dangerous condition played at most a " 'negligible or theoretical' " role in causing her injury. (*Bockrath v. Aldrich Chemical Co.* (1999) 21 Cal.4th 71, 79.) We disagree and affirm.

In addressing a challenge of this kind, "we apply the familiar substantial evidence standard of review: We view all of the evidence in the light most favorable to the judgment, drawing every reasonable inference and resolving every conflict to support the judgment. [Citation.] 'Even in cases where the evidence is undisputed or uncontradicted, if two or more different inferences can reasonably be drawn from the evidence this court is without power to substitute its own inferences or deductions for those of the trier of fact We must accept as true all evidence and all reasonable inferences from the evidence tending to establish the correctness of the trial court's findings and decision, resolving every conflict in favor of the judgment.' " (*Jonkey v. Carignan Construction Co.* (2006) 139 Cal.App.4th 20, 24 (*Jonkey*).)

When a special verdict form does not require the jury to decide an issue with specificity, "the jury's finding is tantamount to a general verdict." (*Jonkey, supra*, 139 Cal.App.4th at p. 26.) In this case, the special verdict form required the jury to decide whether a dangerous condition was present, but not what the specific dangerous condition was. Nor did the verdict form require the jury to decide what, if not a dangerous condition, caused Ryers's injury. With respect to those questions, we must treat the verdict as a general verdict and draw all reasonable inferences to support it. (See *Wilson v. County of Orange* (2009) 169 Cal.App.4th 1185, 1188, 1193; *Jonkey, supra*, 139 Cal.App.4th at p. 26.) Thus, if there are multiple theories by which the jury could have found the bleachers were dangerous,

at least one of which is consistent with the jury's finding that the dangerous condition was not a substantial cause of the injury, we must conclude that the jury believed that theory. (See *Jonkey*, *supra*, 139 Cal.App.4th at pp. 25-26.) In other words, we may reverse the trial court only if there is no reasonable basis by which the jury could have concluded that the dangerous condition did not cause the plaintiff's injury.

In this case, there are multiple bases on which the jury could have decided that a dangerous condition of City property did not cause Ryers's injury. For example, the jury could have concluded that the bleachers were not properly secured to the concrete underneath them, and that they bounced dangerously when one person was climbing on them alone. Nevertheless, the jury could have believed the testimony of a witness that there were approximately 15-20 people sitting on the bleachers at the time Ryers fell. An expert witness testified that the weight of that many spectators would have been sufficient to hold down the bleachers and prevent them from bouncing. A reasonable jury could have accepted this testimony and concluded that Ryers's fall was unrelated to the dangerous condition.

Under the deferential standard of review we apply to challenges to the sufficiency of the evidence, we must affirm the trial court's order.

DISPOSITION

The trial court's order is affirmed. Respondent is awarded its costs on appeal.

NOT TO BE PUBLISHED

ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

CURREY, J.*

* Associate Justice of the Court of Appeal, Second Appellate District, Division Four, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.